

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 3/24/03.

## I. DISPUTE

Whether there should be reimbursement for assistant surgery fees dated 12/10/02.

## II. RATIONALE

The 1996 Medical Fee Guideline identifies modifier –80 as “... Documentation on the operating room record shall indicate the amount of time spent by the assistant surgeon in the operative session and the need for the assistant surgeon. Documentation shall substantiate the attendance of the assistant surgeon 70% of the time during the performance of one operative session. The reimbursement shall be 25% of the listed MAR of the surgical procedure(s).”

Rule 133.307 (g)(3) states, “If the request contains only medical fee disputes, the commission shall notify the parties and require the requestor to send to the commission, two copies of additional documentation relevant to the fee dispute. The additional documentation shall include:

(B) A copy of any pertinent medical records or other documents relevant to the fee dispute;”

The Medical Fee Guideline and Rule 133.307 make it clear that a narrative report is necessary to determine delivery of services in this dispute. None was submitted by the requestor. On this basis, reimbursement is not recommended.

## III. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for assistant surgeon spinal surgery fees 20975, 63047-80, 63048-80, 22630-80, 22625-80, 22650-80, 22842-80 and 20975-80.

The above Findings and Decision are hereby issued this 27<sup>th</sup> day of February 2004.

Noel L. Beavers  
Medical Dispute Resolution Officer  
Medical Review Division